APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,620	09/23/2003	David J. Smith	026808-002000US	2187

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ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Office Action Summary	Application No.	Applicant(s)	
		10/668,620	SMITH ET AL.	
		Examiner	Art Unit	
		Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the request for reconsideration filed 01 October

. 2007.

2.   Claims 1-33 are currently pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-8, 10-16, and 20-31 rejected under 35 U.S.C. 102(e) as being

anticipated by Thomas et al. (U.S. 2003/0061335 A1) hereinafter referred to as

Thomas.

a.   Regarding claim 1, Thomas teaches: a first I/O device configured to

couple to the electric equipment (paragraph [0017] on page 2); a monitor coupled to the

first I/O device and configured to determine information regarding the electric equipment

(paragraphs [0017] and [0021] of page 2); a second I/O device coupled to the monitor

and configured to communicate with the communication network, the monitor being

configured to provide the information regarding the electric equipment to the

communication network via the second I/O device (paragraph [0019] on page 2 and

paragraphs [0022-0023] on pages 2-3); a memory that stored a computer-executable program configured to be executed by a computer to provide a computer interface for providing indicia of the information regarding the electric equipment, the computer interface being in a format that is distinct from a network browser format. (paragraphs [0022-0023] on pages 2-3); and an interface-provisioning device coupled to the memory and the second I/O device and configured to convey the computer-executable program toward the computer via the second I/O device and the communication network (paragraph [0003] on page 1 and paragraph [0022-0023] on page 2-3); wherein each of the first and second I/O devices, the monitor, the memory, and the interface-provisioning device are disposed at least partially in the housing (paragraph [0017] and Fig. 1 and 2).

    b.   Regarding claims 2-8, Thomas teaches: the program is configured to execute an interface application, the program comprises the interface application; the program is configured to obtain the interface application, the program is configured to determine whether a desired version of an interface application is stored by the computer and if not, then to obtain the interface application, the program is an ActiveX control, the interface is a Windows-based interface, and the monitor and the interface-provisioning device comprise software code (paragraphs [0022-0023] on page 2-3).

    c.   Regarding claim 10, Thomas teaches: the monitor is configured to determine information regarding at least one of air-conditioning equipment, a smart generator, a leak detector, a power distribution unit, an environmental monitoring device, and an automatic transfer switch (paragraphs [0003-0008] on page 1).

d.   Claims 11-16 contain similar limitations as those disclosed in claims 1-8 and are rejected under the same rationale.

e.   Claims 20-25 and 27-29 contain similar limitations as those disclosed in claims 1-8 and are rejected under the same rationale.

f.   Regarding claim 26, Thomas teaches: transferring an address of a network server accessible from the remote device to the remote device and accessing the network server from the remote device and transferring to the remote device at least one of the user-interface program and a loader program configured to determine whether a desired version of the user-interface program is stored in association with the remote device (paragraphs [0022-0023] on pages 2-3 and paragraph [0034] on page 4).

g.   Claims 30-31 contain similar limitations as those disclosed in claims 1-8 and are rejected under the same rationale.

h.   Regarding claim 32, Thomas teaches: wherein the interface-provisioning device is configured to convey the computer-executable program toward the computer via the second input/output device and the communication network in response to a determination that the computer is not presently storing a latest version of the computer-executable program (paragraph [0003] on page 1 and paragraph [0022-0023] on page 2-3).

i.   Claim 33 contains limitations similar to those disclosed in claim 5 and is rejected under the same rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 9 and 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over

Thomas as applied above, in view of Potega (U.S. 6,459,175 B1).

       a.   Regarding claim 9, Thomas teaches a power supply (inherent in any

computerized system) but does not explicitly teach AC power input, DC power source,

an output circuit including a power output, and a switch coupled to the AC input, the DC

source, and the output circuit, and configured to couple the AC input or DC source to

the output circuit. However, Potega discloses: "Power supplies are traditionally device-

specific, in that the output voltage of the power converter, whether it be an AC/DC or

DC/DC adapter, must be voltage-matched to the host device it was designed to power,"

(lines 16-19 of column 1). It would have been obvious to one of ordinary skill in the art

at the time of the applicant's invention to have an AC power input, DC power source, an

output circuit including a power output, and a switch coupled to the AC input, the DC

source, and the output circuit, and configured to couple the AC input or DC source to

the output circuit. "Output voltage of the power converter, whether it be an AC/DC or

DC/DC adapter, must be voltage-matched to the host device it was designed to power,"

(lines 17-19 of column 1 in Potega). It is for this reason that one of ordinary skill in the

art at the time of the applicant's invention would have been motivated to have an AC

power input, DC power source, an output circuit including a power output, and a switch

coupled to the AC input, the DC source, and the output circuit, and configured to couple

the AC input or DC source to the output circuit in the system as taught by Thomas.

  b. Claim 17 contains similar limitations as those disclosed in claim 9 and are

rejected under the same rationale.

  c. Regarding claims 18-19, Thomas teaches: the program comprises and

ActiveX control and the interface is a Windows-based interface (paragraphs [0022-

0023] on page 2-3).

Response to Arguments

7. Applicant's arguments filed 24 May 2007 have been fully considered but they are

not persuasive.

8. (A) Regarding claim 1, the applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references. The applicant argues that Thomas

does not teach: an interface-provisioning device configured to convey a computer-

executable program. However, as cited, the interface-provisioning device is provided in

paragraphs [0022-0023] on page 3 of Thomas. In particular, paragraph [0023] on page

3 of Thomas discloses: "Alternatively, modules 68 and 70 could comprise ActiveX

controls designed to allow the remote monitoring and control of the electrical distribution

system. Module 68 communicates with inter-process server 52 using an inter-process

communication protocol, such as DDE or OPC/DCOM, via Ethernet card 34 and

Ethernet network 26. Similarly, module 70 communicates with inter-process server 52

using an inter-process communication protocol, such as DDE or OPC/DCOM, via

modem 38, phone lines 40 and 30, and the Internet." Since ActiveX is used to share

information among different applications and this information is sent from server to

client, the limitations of the claim are clearly met. As such, the rejection remains proper

and is maintained by the examiner.

9.   (B)   Regarding claims 11-16, the applicant argues limitations similar to those

discussed in point (A) above.

10.   (C)   Regarding claims 20-29, the applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references. The applicant argues that Thomas

does not teach the interface being in a first format that is distinct from a second format

associated with the network browser application. The examiner respectfully disagrees.

The examiner points to paragraph [0023] on page 3 of Thomas which discloses:

"Loaded into local and remote client computers 32 and 36 are modules 68 and 70,

respectively. HMI modules 68 and 70 each include a tool kit for building screens and

interfaces, and a graphical user interface 72 and 74, respectively, for monitoring and

control of the electrical distribution system." These interfaces are clearly distinguishable

from the network browser application. As such, the rejection remains proper and is

maintained by the examiner.

11.   (D)   Regarding claims 30-31, the applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references. The applicant argues that Thomas

does not teach: a computer program product for use with a first electronic device

configured to monitor a second electronic device, the computer program product

comprising an ActiveX control comprising instructions for causing a computer to execute

an interface-producing program to produce a windows-based user interface.

    As to point (D), this argument has been addressed in point (A) above.

12.   (E)   Regarding claims 30-31, the applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references. The applicant argues that Thomas

does not teach: determining whether a desired version of the program is stored at a

device. The examiner respectfully disagrees.

    As to point (E), the examiner points out that the virtual modular relay device

includes software that stores product version to associate itself with a device (paragraph

[0034] on page 4 of Thomas). As such the rejection remains proper and is maintained

by the examiner

13.   (F)   Regarding claims 17-19, the applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims ·

patentably distinguishes them from the references. The applicant argues that Thomas

does not teach: an uninterruptible power supply (UPS) system comprising a monitor

configured to determine information regarding power use and/or power needs of electric

equipment, and an interface-provisioning means for conveying a computer-executable

program for providing indicia of the information regarding the UPS system toward a

computer via an input/output device and a communication network. The examiner

respectfully disagrees.

As to·point (F), the argued limitations are those the examiner has stated are ·

taught by Thomas. These limitations have been discussed above with reference to

point (A)-(E).

Conclusion

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER